



**Moore County Board of Education
Policy Committee Meeting**

Robert Levy, Chair

Elizabeth Carter

Ed Dennison

**Thursday, April 15, 2021 • 2:00 p.m. • Central Office Board Room
MINUTES**

Members of Moore County Board of Education’s Policy Committee met on April 15, 2021, with Committee Chair Robert Levy calling the meeting to order at 2:00 p.m. Also in attendance were committee members Libby Carter (who also chairs the Board of Education) and Ed Dennison and Attorney Jason Weber. Four members of the public also attended the meeting.

After the Pledge of Allegiance and the observation of a moment of silence, Mr. Dennison made a motion to amend the agenda to add a Closed Session; after a second by Mrs. Carter, the motion was approved unanimously. The Committee then approved the agenda unanimously (motion: Mr. Dennison; second: Mrs. Carter). Mr. Dennison made a subsequent motion for the committee to move to Closed Session citing N.C.G.S. § 143-318.11(a)(3) to consult with the Board attorney and preserve the attorney-client privilege. After a second by Mrs. Carter, the committee approved the motion unanimously.

Upon the Committee’s return from Closed Session at 3:01 p.m., they discussed the policies below. As the discussion concluded, Mr. Dennison made a motion for Policies 1321 – Board Meeting Agenda, 1326 – Public Address to the Board, 1419 – Code of Ethics for School Board Members and 1700 – Official School Spokesperson as amended below (edits reflected below highlighted in yellow) to be presented for approval on first reading at the May 3, 2021, Board of Education work session. Upon a second from Mrs. Carter, the motion was approved unanimously.

At its next meeting, the Committee will review a model policy from the North Carolina School Boards Association that addresses board member technology use.

When the Committee could not come to consensus on Policies 3060/4060/6060 – Discrimination and Harassment Prohibited by Federal Law, 3065/4065/6065 – Title IX Nondiscrimination on the Basis of Sex or Policy 5041 – Critical Race Theory, Mr. Levy requested from Mrs. Carter the opportunity to add these policies to the next Board meeting agenda for consideration by the full Board. Mrs. Carter agreed to permit an agenda item for this purpose on the May 3, 2021, Board of Education work session agenda.

The Committee agreed to table discussion and action on Policy 5042 – Social Studies Standards, since the Board of Education will hear a full presentation on the standards at the May 3, 2021, Board of Education work session.

The Committee will consider language from an alternate policy and address Policy 5020 – Academic Freedom at its next scheduled meeting.

The edits to the Board of Education's Code of Cooperation will go to the full Board for consideration as a separate agenda item at the May 3, 2021, Board of Education work session. Specific policy citations highlighted in red have been addressed with the policy revisions that will be presented to the full Board for consideration on first reading at the May 3, 2021, Board of Education work session.

The meeting adjourned at 5:33 p.m. (motion by Mr. Dennison; second by Mrs. Carter and approved unanimously).

**THE POLICY REVISIONS RECOMMENDED BELOW ARE
PROPOSED BY POLICY COMMITTEE CHAIR ROBERT LEVY.**

1. **Policy 1321 – BOARD MEETING AGENDA** page 4
2. **Policy 1326 – PUBLIC ADDRESS TO THE BOARD**..... page 5
3. **Policy 1419 – CODE OF ETHICS FOR SCHOOL BOARD MEMBERS**page 7
4. **Policy 1700 – OFFICIAL SCHOOL SPOKESMEN SPOKESPERSON**page 10
5. **Policy 3060/4060/6060 – DISCRIMINATION AND HARASSMENT PROHIBITED BY FEDERAL LAW**page 11
6. **Policy 3065/4065/6065 – TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX**page 22
7. **Policy 5020 – ACADEMIC FREEDOM**..... page 25
8. **Policy 5041 – CRITICAL RACE THEORY** page 26
9. **Policy 5042 – SOCIAL STUDIES STANDARDS** page 27
10. **CODE OF COOPERATION**..... page 28

1321 BOARD MEETING AGENDA

The chairperson and the Superintendent will prepare a proposed agenda for each Board meeting. A request to have an item of business placed on the agenda ~~of any particular regularly noticed Board meeting (of any type, including, but not limited to, work sessions) together with supporting materials, if the requesting member desires to distribute such with the publication of the agenda~~ must be received by the chairperson and the Superintendent at least ~~six~~ seven working ~~calendar~~ days before the meetings. ~~(A transmission to the official chair and Superintendent emails is presumed to have been received 30 minutes after transmission.)~~ A Board member may, by a Upon timely request, ~~have such~~ an item shall be placed on the agenda of said meeting.

~~A. When a special meeting is called, the agenda shall be set by those members calling the meeting. The agenda shall be published at the time the meeting is publicly announced.~~

~~B. An agenda is always subject to modification at the meeting for which it was created at any time prior to its approval. The agenda may always be further amended pursuant to these policies and Robert's Rules of Order.~~

Each Board member will receive a copy of the proposed agenda three days prior to the meeting, and the proposed agenda will be available for public inspection and/or distribution when it is distributed to the Board members. At the meeting, the Board may, by a majority vote, add an item that is not on the proposed agenda before the agenda is adopted. After the agenda has been adopted, a two-thirds vote is required to add an item to the agenda.

Legal Reference: [G.S. 115C-36](#)

Adopted: August 29, 1988

Revised: February 27, 1995; June 24, 1996; January 7, 2010; August 5, 2019;

1326 PUBLIC ADDRESS TO THE BOARD

The Board encourages communication with the public and cooperative school-community interactions, believing that an informed public and an informed Board will result in a better system of public education. Accordingly, the Board welcomes and encourages input from any interested citizen who desires to appear before the Board for the purpose of presenting information or raising matters relating to the public schools. In addition to other methods by which members of the public may bring concerns to the attention of the Board, the Board will provide an open forum as part of the Board's regular meeting schedule, during which up to thirty minutes will be set aside early on the agenda for the specific purpose of allowing members of the public to address the Board. Priority will be granted to those who wish to speak about items on the agenda. If additional time for public address is needed, a second thirty-minute comment period will be included at the end of the agenda. In order to facilitate this communication and in order to plan and conduct orderly sessions that will ensure complete, high quality information is available regarding the subject of such appearances, it is necessary that certain guidelines contained in this policy be followed. These guidelines will also guide other public hearings as may be called by the Board.

1. Discussions regarding particular individual employees, student records, or other matters which may be required to be kept confidential may not be discussed in the open forum setting. This prohibition extends to comments about workplace complaints and grievances by or about a school system employee. The Chairman or designee will have the responsibility to determine matters of discussion that may be inappropriate and to rule the speaker out of order, if necessary.
2. Matters of concern will not be responded to by the Board at the time they are addressed. They may be referred to a Board committee, the administration, or held over for further discussion at a subsequent meeting, as appropriate.
3. Any person who desires to appear before the Board to address any other matter may sign up to do so at least five minutes prior to the Board meeting, and supply the following information:
 - a. The name of the person who desires to appear.
 - b. The subject to be presented for the Board's consideration.
 - c. If a group is to appear along with the speaker, the approximate number of persons who will appear and the name of the spokesperson for the group.
4. Presentations will be limited to three minutes.
5. To the extent that the technology can be deployed, comments may be made by telephone. The procedure shall be announced on the Board website along with the meeting publication, including the telephone number used to call in. Calls must

~~be placed and the person must be on the call at the beginning of the public address portion of the agenda. Any documents supporting the speaker shall be emailed to the Board administrative assistant at least 30 minutes prior to the speaker reserving the appropriate time. The administrative assistant shall thereupon forward the documents to all Board members and the Superintendent.~~

~~All other rules involving in-person commenting, not inconsistent herewith, applicable guidelines in this policy shall apply to telephonic comments.~~

Legal Reference: [G.S. 115C-36, -47](#)

Adopted: August 23, 1993

Revised: February 27, 1995; May 12, 2008; May 9, 2016; January 17, 2017; June 12, 2017; July 13, 2020; _____

1419 CODE OF ETHICS FOR SCHOOL BOARD MEMBERS

The Board recognizes that, collectively and individually, all members of the Board must adhere to a code of ethics as required by [G.S. 160A-86](#) and [G.S. 115C-47\(57\)](#).

A. Board Member Ethical Requirements

The following standards will guide each Board member in the performance of his or her official duties:

1. the need to obey all applicable state and federal laws regarding official actions taken as a board member;
2. the need to uphold the integrity and independence of the Board member's office;
3. the need to avoid impropriety in the exercise of the Board's and Board member's official duties;
4. the need to perform faithfully the duties of the office; and
5. the need to conduct the affairs of the Board in an open and public manner, complying with all applicable laws governing open meetings and public records.

B. Additional Board Member Commitments

In order to implement the above standards, each member of the Board commits to the following:

1. attend all regularly scheduled Board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;
2. endeavor to make policy decisions while always keeping in mind the objective of providing students the opportunity to receive a sound basic education and only after full discussion at publicly held Board meetings;
3. render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups;
4. model civility to students, employees and all elements of the community by encouraging the free expression of opinion by all Board members and engaging in respectful dialogue with fellow Board members on matters being considered by the Board;

5. respect the confidentiality of information that is privileged under applicable law and refrain from unauthorized disclosure of confidential and/or privileged matters discussed in closed session.

6. work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the Superintendent;

7. communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs;

8. learn about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and national school boards associations;

9. comply with [North Carolina General Statute 115C-50](#) by earning the required 12 hours of training every two years;

10. comply with [G.S. 160A-84](#) by earning two hours of ethics education within 12 months of election or appointment to the Board;

11. support the employment of those persons best qualified to serve as school employees and avoid allowing personal relationships and biases to influence decision making;

12. refrain from investigating or attempting to resolve complaints received personally, but instead direct the complainant to follow the Board's complaint or grievance process to resolve concerns; however, nothing herein should discourage a board member from bringing to the attention of the Superintendent or appropriate designee problems which constituents encounter;

13. avoid being placed in a position of conflict of interest and refrain from using the Board member's position on the Board for personal or partisan gain;

14. Actively participate in public events by listening to the public and endeavoring to state the most accurate information while all the time making clear that only the Chair and the Superintendent may officially speak for the Board as a whole.

4415. as stated in Board Policy 1420 – Board Member Conflict of Interest, refrain from participating in, deliberating on, voting on, or attempting to influence any person with respect to any matter pertaining to the employment with the Board of the Board member's spouse, romantic partner or other immediate family member (parent, child, brother, sister, grandparent

or grandchild, including step, half and in-law relationships), including, but not limited to, hiring, transfer, promotion, demotion, suspension, discipline, performance evaluation or review or investigation of a complaint of any kind;

12. take no private action that will compromise the Board or administration and respect the confidentiality of information that is privileged under applicable law; and

13. remember always that a Board member's first and greatest concern must be the educational welfare of the students attending the public schools.

Legal References: [G.S. 115C-36](#), [-47\(1\)](#), [-47\(57\)](#), [-50](#); [160A-86](#), [87](#); *Leandro v. State*, 346 N.C. 336 (1997)

Adopted: January 7, 2010

Revised: June 12, 2017; March 8, 2021; _____

1700 OFFICIAL SCHOOL ~~SPOKESMEN~~ SPOKESPERSON

The official spokespersons of the district shall be the Chairperson of the Board and the Superintendent and the Superintendent's authorized designees. When a Board member who is not an official spokesperson speaks to the public in an official or unofficial capacity, it should be made clear that the person can only speak as an individual and not on behalf of the Board. Board members are free to speak about all issues as may concern them and their constituents, excluding confidential or privileged matters which they are required to keep confidential pursuant to law. Any person speaking in an official capacity shall conduct his assignment from the standpoint of the best interests of the Board, the school system and the community, not as a representative of his own personal ideas or feelings.

A. Board members are free to use personal, political or other social media not sanctioned or approved by the Board in such manner as a Board member deems fit and consistent with the member's right to free speech. However, each platform utilized by the Board member shall not be considered a public forum and should be constructed as to be obvious to any user that the site is not sanctioned or supported by the Moore County Board of Education. The Board of Education shall maintain appropriate public forums so as to allow members of the public to communicate with Board members both collectively and individually, including, but not limited to, an official email account and open comment times at Board meetings. Social media controlled by an individual Board members or an organization the member controls is permitted, but it is not an activity approved or sanctioned by this Board.

B. When a Board member utilizes any social media controlled by the Board, that member shall act consistently with Policy 5452 as if the Board member is an employee.

Legal Reference: [G.S. 115C-36](#), [-276](#)

Adopted: August 29, 1988

Revised: January 17, 2017; _____

3060/4060/6060 DISCRIMINATION AND HARASSMENT PROHIBITED BY FEDERAL LAW

The Board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The Board prohibits discrimination on the basis of race, sex, color, national origin, religion, disability, or age (over 40), and will provide equal access to the Boy Scouts and other designated youth groups as required by law.

The Board will not tolerate any form of unlawful discrimination or harassment in any of its education activities or programs. All forms of prohibited discrimination and harassment are subject to this policy except the following, for which the Board has established more specific policies.

- Discrimination and harassment on the basis of sex is addressed in Policy 3065/4065/6065, Title IX Nondiscrimination on the Basis of Sex.
- Discrimination and harassment in employment is addressed in Policy 3085/4085, Discrimination and Harassment in the Workplace.

In addition, the process set out in this policy for bringing complaints does not apply to the following.

- Complaints of sexual harassment will be brought in accordance with the processes established in policies 3070/4070/6070, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 3075/4075/6075, Title IX Sexual Harassment Grievance Process.
- Employee allegations of discrimination or harassment will be addressed using the process established in Policy 3085/4085, Discrimination and Harassment in the Workplace.
- Allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA may be raised through the system of procedural safeguards established under Policy 3011/4011/6890, Nondiscrimination on the Basis of Disabilities, (for Section 504 complaints) or in accordance with the procedures described in *Parents Rights & Responsibilities in Special Education*, published by the NC Department of Public Instruction (for IDEA complaints).

The Board takes seriously all reports of unlawful discrimination and harassment and directs school officials to take prompt action to investigate and remedy violations of this policy. The Superintendent or designee, as appropriate, is responsible for providing effective notice of this policy to students, parents, and employees.

The Board encourages students, visitors, and other non-employee individuals who believe that they may have been discriminated against or harassed in violation of this policy, (including on the basis of disability, as specified in Policy 3011/4011/6890, Nondiscrimination on the Basis of Disabilities), to report such conduct as soon as possible through the process provided in Section B of this policy. Employees who believe that they may have been discriminated against or harassed should report through the process provided in Policy 3085/4085, Discrimination and Harassment in the Workplace. Individuals who have witnessed or who have reliable information that another person has been subject to unlawful discrimination or harassment may report the conduct to an individual designated in Section B of this policy.

Any report made through the process established in this policy may be made anonymously, except mandatory employee reports.

A. Prohibited Behavior

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The Board expressly prohibits unlawful discrimination and harassment as defined below by students, employees, board members, volunteers, or visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

1. Discrimination

Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably or even reasonably, favorably or and unfavorably, either to the benefit or detriment of another person, differentiates treatment of others based solely on their membership in a legally protected class so as to interfere with or even enhance their ability to participate or limit their ability to participate in or benefit from the services, activities, or privileges offered by the school system's education program. For purposes of this policy, the legally protected classes are race, color, national origin, religion, and disability. The purpose of this definition is to achieve the goal of our schools becoming a racially blind organization based upon merit and ability.

- a. All Moore County Schools' students shall be treated equally with regard to their membership or their lack of membership in a legally protected class. There shall be no discrimination as defined above whether the discrimination or its intent is invidious, benign or even favorable toward a protected class. It is the policy of Moore County Schools that, in order to realize the goal of treating all persons equally, any discrimination, regardless of its laudable intent is counterproductive to the ideal set forth by Dr. Martin Luther King, Jr.,

and paraphrased here: “That all people shall be judged by the content of their character and not the color of their skin.” As permitted by state, federal and local laws and regulations, Moore County Schools shall also operate without regard to the race of students or staff.

Where state, federal or local law or regulation conflict with this policy, the law or regulation shall prevail.

- b. Further, and to the extent that the term “social justice” includes the notion that persons be treated differently based upon their membership in a protected class, then Moore County Schools also disapproves of this notion as a basis for public education.

2. Harassment

Prohibited harassment is deliberate unwelcome conduct directed at another person or group of persons based on their membership in a legally protected class that creates a hostile environment. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person’s ability to participate in or benefit from the services, activities, or opportunities offered by the school system.

Examples of behavior that may constitute harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Harassment may occur through electronic means, such as through the Internet, email, or text message. Legitimate age-appropriate pedagogical techniques are not considered harassment.

3. Application of the Policy

This policy applies to behavior that takes place: (1) in any school building or on any school premises before, during, or after school hours; (2) on any bus or other vehicle as part of any school activity; (3) at any bus stop; (4) during any school-sponsored activity or extracurricular activity; (5) at any time or place when the individual is subject to the authority of school personnel; or (6) at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

B. Reporting Discrimination or Harassment

1. Any person who believes that he or she has been discriminated against or harassed in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination or harassment should inform a school official designated in Section C below. Reports also may be made anonymously through the anonymous tip line.

2. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that a student or other individual may have been discriminated against or harassed in violation of this policy must report the offense immediately to an appropriate individual designated in Section C below. Any doubt about whether particular conduct is possible discrimination or harassment under this policy or any other policy of the Board must be resolved in favor of reporting the conduct.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination or harassment and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

3. Preliminary Inquiry

School officials may make a preliminary inquiry when a report is received to understand what occurred and to determine whether further action under this policy or otherwise is necessary.

C. Complaints of Discrimination and Harassment

1. A student, visitor, or other non-employee individual who believes he or she is the victim of unlawful discrimination or harassment in violation of this policy, or any person who has witnessed or who has reliable information that another person has been subject to unlawful discrimination or harassment

under this policy, may make a formal written complaint to any of the following persons:

- a. the principal or assistant principal of the school at which either the alleged victim or alleged perpetrator attends or is employed;
- b. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or
- c. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in Section I of this policy.

If a written complaint alleges that the perpetrator is an employee, the school official receiving the complaint shall notify the Executive Officer for Human Resources official without delay.

2. A written complaint alleging that a student has been discriminated against or harassed will be addressed in accordance with this policy.

A written complaint alleging that an employee has been discriminated against or harassed will be addressed in accordance with Policy 3085/4085, Discrimination and Harassment in the Workplace.

A written complaint alleging that person who is not a student or employee has been discriminated against or harassed will be addressed in accordance with the general process for resolving complaints provided in Policy 8450, Complaints, not this policy.

3. Time Period for Making a Complaint

Alleged discrimination or harassment should be reported as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

D. School Officials' Response to Reports and Complaints of Discrimination or Harassment

1. Investigation

School officials shall investigate all formal written complaints received. Reports of discrimination or harassment that are not followed by a formal written complaint may be investigated at the discretion of school

officials and may be investigated even if the alleged victim does not seek action by school officials.

a. The principal or designee or site supervisor will be the investigator when the alleged perpetrator is a student or third party. The Executive Officer for Human Resources or designee will be the investigator when the alleged perpetrator is an employee. The Superintendent or designee, as appropriate, may determine that individual circumstances warrant the assignment of a different investigator.

Notwithstanding the above designations, (1) if the alleged perpetrator is the Executive Officer for Human Resources, the Superintendent will be the investigator, and (2) if the alleged perpetrator is the Superintendent or a member of the Board, the board chair shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. As applicable, the investigator shall immediately notify the Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may request assistance from the coordinator in conducting the investigation.

c. If the investigator, after interviewing the complainant and/or the alleged victim and consulting with the board attorney, if appropriate, determines that the allegations submitted, even if factual, do not constitute discrimination or harassment as defined in this policy or Policy 3011/4011/6890, Nondiscrimination on the Basis of Disabilities, school officials shall address the matter outside the scope of this policy. Information regarding the investigator's determination and the process for addressing the complaint will be provided to the complainant.

d. Any investigation conducted must be impartial, prompt, and thorough. The investigator shall investigate the facts and circumstances related to the allegation(s) of discrimination or harassment and give the alleged perpetrator an opportunity to respond to the allegations.

The investigator shall consider all the evidence collected, the context in which the alleged incidents occurred, the age and maturity of the parties, and any other relevant circumstances, and, in consultation with the board attorney, as appropriate, shall determine whether the alleged act(s) constitutes a violation of this policy, Policy 3011/4011/6890, Nondiscrimination on the Basis of Disabilities, and/or any other Board policy or expected standard of student or employee behavior.

e. The complaint and investigation will be kept confidential to the extent possible and consistent with law. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information.

2. Investigator's Findings

a. If the investigator finds that discrimination occurred, the investigator shall take or recommend steps to address the discrimination.

b. If the investigator finds that harassment occurred and created a hostile environment, the investigator shall assign or recommend appropriate disciplinary consequences for the perpetrator and/or take or recommend other reasonable measures to eliminate the hostile environment and prevent its recurrence.

c. If the investigator finds that the conduct did not violate this policy but violated Policy 3080/4080/6080, Bullying and Harassing Behavior Prohibited, or another Board policy or expected standard of conduct, the investigator shall assign or recommend discipline or other action appropriate to the violation.

d. The investigator shall make a record of the evidence and findings of the investigation and the assigned or recommended discipline and/or other remedial action and provide a copy to the appropriate civil rights coordinator. If the investigator recommends a disciplinary consequence or remedial action that is beyond his or her authority, the investigator shall provide a copy of the record to the Superintendent for further action.

e. The investigator shall inform the alleged victim and alleged perpetrator of the outcome of the investigation.

3. Steps to Reasonably End Discrimination or Harassment

a. The Superintendent is responsible for taking or causing appropriate action to be taken in response to discrimination and harassment in violation of this policy. Appropriate action must include:

i. reasonable, timely, age-appropriate corrective action intended to end the discrimination or harassment and prevent it from recurring;

ii. as needed, reasonable steps to address the effects of the discrimination or harassment on the victim; and

iii. as needed, reasonable steps to protect the victim from retaliation as a result of the complaint.

b. The Superintendent or designee may take non-punitive measures to end or prevent instances of discrimination or harassment regardless of whether any individual has been found responsible for the discrimination or harassment. The Superintendent or designee also may implement or direct the implementation of classroom-wide, school-wide, or school system-wide responses and other measures reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

c. The Executive Officer for Human Resources shall encourage victims of discrimination and harassment to report any subsequent problems and may conduct follow-up inquiries as warranted to determine if there have been any new incidents of discrimination or harassment or any instances of retaliation.

E. Appeals

1. If the alleged victim is dissatisfied with the outcome of the investigation, he or she may appeal the decision to the Superintendent (unless the alleged perpetrator is the Superintendent, in which case the alleged victim may appeal directly to the Board in accordance with the next paragraph). The appeal must be submitted in writing within three school business days of receiving the notice of the outcome of the investigation. The Superintendent may review the documents, conduct any further investigation necessary, or take any other steps the Superintendent determines to be appropriate in order to respond to the complaint. The Superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.

2. Student victims may appeal the Superintendent's decision to the Board in accordance with subsection 6902.4, Step III, of Policy 6902, Student and Parent Grievance Procedure. Employees may appeal the Superintendent's decision to the Board in accordance with subsection B, Step III, of Policy 3900/4800 Grievance Procedure for Employees.

3. Any student or employee subject to discipline for violating this policy will be accorded all rights provided by law.

F. Retaliation Prohibited

The Board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report

a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the Board against a complainant or other individual who makes a good faith report of discrimination or harassment. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to Policy 3051/4051, Prohibition Against Retaliation.

G. Training and Programs

The Board directs the Superintendent or designee, as appropriate, to establish training and other programs that are designed to prevent discrimination and harassment and to foster an environment of understanding and respect for all members of the school community. Information about the prohibited conduct and complaint procedure in this policy and those in policies 3070/4070/6070, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 3075/4075/6075, Title IX Sexual Harassment Grievance Process, must be included in the training plan.

As funds are available, the Board will provide students, employees, and volunteers who have significant contact with students with additional training regarding the Board's efforts to address discrimination and harassment and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitutes discrimination or harassment; (2) teach employees to identify groups that may be the target of discrimination or harassment; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones, and on the Internet.

H. Records

The Superintendent or designee shall maintain confidential records of complaints or reports of discrimination or harassment. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The Superintendent or designee also shall maintain records of training conducted and corrective action(s) or other steps taken by the school system to provide an environment free of discrimination and harassment.

I. Contacts for Inquiries

The Superintendent has appointed individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal nondiscrimination laws, including investigating any complaints communicated to school officials alleging noncompliance with those laws. Inquiries about the application of the nondiscrimination laws addressed in this policy may be referred to the designated civil rights coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the designated civil rights coordinators is as follows.

- a. The Section 504 Coordinator is: **Assistant Director for Student Support Services**
Office Address: **P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327**
Email Address: hrpolicy@ncmcs.org
Phone Number: **(910) 947-2976**
- b. The ADA Coordinator is: **Executive Officer for Human Resources**
Office Address: **P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327**
Email Address: hrpolicy@ncmcs.org
Phone Number: **(910) 947-2976**
- c. The Age Discrimination Coordinator is: **Executive Officer for Human Resources**
Office Address: **P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327**
Email Address: hrpolicy@ncmcs.org
Phone Number: **(910) 947-2976**
- d. The Coordinator for Other Non-discrimination Laws is: **Executive Officer for Human Resources**
Office Address: **P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327**
Email Address: hrpolicy@ncmcs.org
Phone Number: **(910) 947-2976**

The contact information for the U.S. Department of Education Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW
Washington, DC 20202-1475
Telephone: 202-453-6020
FAX: 202-453-6021

TDD: 800-877-8339
Email: OCR.DC@ed.gov

Legal References: Age Discrimination in Employment Act of 1967, [29 U.S.C. 621](#) *et seq.*, [34 C.F.R. pt. 110](#); Americans with Disabilities Act, [42 U.S.C. 12101](#) *et seq.*, [28 C.F.R. pt. 35](#); Boy Scouts of America Equal Access Act, [20 U.S.C. 7905](#), [34 C.F.R. pt. 108](#); Individuals with Disabilities Education Act, [20 U.S.C. 1400](#) *et seq.*; Rehabilitation Act of 1973, [29 U.S.C. 705](#)(20), [794](#), [34 C.F.R. pt. 104](#); Title VI of the Civil Rights Act of 1964, [42 U.S.C. 2000d](#) *et seq.*, [34 C.F.R. pt. 100](#); *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994), available at <https://www2.ed.gov/about/offices/list/ocr/docs/race394.html>; *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter* (Harassment and Bullying), U.S. Department of Education, Office for Civil Rights (2010), available at

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; [G.S. 115C-407.15 through -407.18; 126-16](#); State Board of Education Policy [SSCH-000](#); *Parent Rights & Responsibilities in Special Education*, (N.C. Dept. of Public Instruction, Exceptional Children Division), available at <https://ec.ncpublicschools.gov/parent-resources/parents-rights-handbook>

Adopted: September 14, 2020

Revised: March 8, 2021; _____

3065/4065/6065 TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX

The school system does not discriminate on the basis of sex in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not discriminate in such a manner. This requirement extends to admission and employment. The Board will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any program or activity of the school system.

A. Inquiries About Title IX

The Board has designated a Title IX coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations. Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the Title IX coordinator is as follows.

The Title IX Coordinator is: **Executive Officer for Human Resources**
Office Address: **P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327**
Email Address: hrpolicy@ncmcs.org
Phone Number: **(910) 947-2976**

The contact information for the Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW
Washington, DC 20202-1475
Telephone: 202-453-6020 TDD: 800-877-8339
FAX: 202-453-6021 Email: OCR.DC@ed.gov

B. Resolution of Grievances

The Board has established grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of sex (other than sexual harassment) in a program or activity of the school system occurring against a person in the United States. Students and parents or guardians may report such alleged discrimination through the process provided in Policy 6902, Student Grievances. Employees and applicants may use the process provided in Policy 3900/4800, Grievance Procedure for Employees.

The Board has adopted additional means for reporting sexual harassment specifically. Any person may report alleged sexual harassment in the education program or activities of the school system occurring against a person in the United

States in accordance with Policy 3070/4070/6070, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process. Those who believe they have been sexually harassed may also file a formal complaint of sexual harassment in accordance with Policy 3075/4075/6075, Title IX Sexual Harassment Grievance Process, to initiate a prompt and equitable resolution through a formal investigation and adjudication or through an informal resolution process. The Board encourages students, employees, and applicants to first make a report of sexual harassment in accordance with Policy 3070/4070/6070 before filing a formal complaint.

C. Retaliation Prohibited

Retaliation against any person for the exercise of rights under Title IX or to interfere with those rights in any way is strictly prohibited and will subject the perpetrator to disciplinary action. The identity of any person who has made a report or complaint of sex discrimination or sexual harassment or who is the alleged perpetrator of sex discrimination or sexual harassment will be confidential unless otherwise required or permitted by law. Complaints alleging retaliation may be filed according to the grievance processes established in policies 6902 and 3900/4800. Acts of retaliation may also be subject to Policy 3051/4051, Prohibition Against Retaliation.

D. Notice of the Board’s Policy of Nondiscrimination Based on Sex

The Superintendent or designee is responsible for providing notice of the Board’s nondiscrimination policy to students and their parents or legal guardians, employees, and applicants for admission or employment. The Superintendent or designee shall also ensure that each principal or site supervisor makes a copy of this policy available to those persons. In addition, the following must be posted on the school system website and included in all student and employee handbooks: (1) a statement of the Board’s policy of nondiscrimination on the basis of sex; (2) contact information for the Title IX coordinator; and (3) a statement that Title IX inquiries may be referred to the Title IX coordinator or to the Assistant Secretary for Civil Rights.

E. Moore County Schools will operate without discrimination as to sex, sexual orientation or sexual preference. Each and every student is free to identify sexually as permitted by parents or guardians. However, Moore County Schools does recognize that there are personal spaces and other segregated spaces that are unique to the biological realities of life. Moore County Schools understands both the safety and moral concerns of some parents and students while also understanding that other parents and students have a valid right to identify as they see fit. Therefore, in order to balance these interests, and to assure both the safety and privacy of all our students and staff, where it is appropriate to segregate males and females to separate spaces, including, but not limited to, sports activities, bathrooms, dressing areas and sex education classes, males and

females shall be classified by their biological body parts and separated for these purposes. A birth certificate shall be conclusive proof of sexual category so long as the birth certificate indicates male or female. In the very rare circumstance where such matters cannot be easily determined solely by examination of body parts, then the Superintendent shall consult with an appropriate medical authority to make the appropriate determination. Such determination shall be based solely on the existence of sexual body parts. For purposes of student privacy and comfort, an administrator may provide a third personal space if requested by a parent or guardian.

1. When a person is determined to be a female, she may only be involved in female segregated sports and is to be excluded from male segregated spaces. When a person is determined to be male, he may only be involved in male segregated sports and is to be excluded from female segregated spaces.

2. Nothing in this policy prohibits a school from offering a coeducational sport where males and females compete on an equal basis. But, schools must provide private, segregated personal spaces for dressing, utilizing restrooms and any place where private body parts may be exposed.

Legal Reference: Title IX of the Education Amendments of 1972, [20 U.S.C. 1681](#) *et seq.*; [34 C.F.R. Part 106](#)

Adopted: July 29, 1991

Revised: May 12, 2008; November 5, 2018; September 14, 2020; _____

5020 ACADEMIC FREEDOM

Teachers shall be protected from censorship or restraint which unreasonably interferes with their obligation to expose students to controversial issues and to help students express their own views on such issues.

5020-1 A. Controversial issues arising from classroom situations and subject matter may be discussed and explored in classrooms. Care shall be taken not to inhibit the dignity, the personality or the intellectuality of either the teacher or the students.

5020-2 B. Freedom to learn requires that students be given an opportunity to develop an understanding of ideas and people who may seem alien to them and that they develop a capacity to discern the differences between fact and opinion, and to weigh arguments, slogans and appeals.

C. Indoctrination of Students

It is the goal of Moore County Schools to promote critical and independent thought. Therefore, it is considered poor instructional practice for a teacher to advocate for a particular political point of view favored by the teacher or member of an administrative staff. It is also poor teaching practice for a teacher or administrator or other employee to organize political action or active political protest within an instructional setting. Nor shall any employee of Moore County Schools bully or castigate or hold up to ridicule any student or other staff member based upon a political belief or statement so long as that belief or statement does not itself ridicule or castigate another student or staff member.

Nothing in this policy prohibits teachers or staff from responsibly supervising voluntary school-sponsored clubs outside the school curriculum nor from organizing school-sanctioned clubs whose members wish to involve themselves in civic engagement.

Legal Reference: [G.S. 115C-36, -47](#)

Adopted: November 26, 1990

Revised: _____

5041 CRITICAL RACE THEORY

The term “Critical Race Theory” was defined by The Encyclopedia Britannica on May 28, 2020 as follows: “[T]he view that the law and legal institutions are inherently racist and that race itself, instead of being biologically grounded and natural, is a socially constructed concept that is used by white people to further their economic and political interests at the expense of people of colour(sic).” Such notions are inherently conclusionary. As such, they blunt legitimate skepticism and inquiry as to the nature of both current and historical events. This becomes an impediment to critical thinking where many differing explanations of events are supported by evidence. Such theories also encourage racial animus and promote discrimination. Therefore, it is the policy of Moore County Schools that its curriculum not be based upon or inspired by “critical race theory.” Nonetheless, Moore County Schools does not prohibit the class discussion of such theories by those students who are age appropriate for such critical discussions and so long as the discussion is balanced by discussion of competing notions, e.g., that all persons shall be treated equally, regardless of race.

Legal Reference: _____

Adopted: _____

5042 SOCIAL STUDIES STANDARDS

Social Studies Standards were revised and approved by the North Carolina Board of Education on or about February 4, 2021. Whereas these standards are not fully developed; and whereas, it appears that the standards are based, in part, upon critical race theory as described in Policy 5041, therefore Moore County Schools shall delay the implementation of these standards until at least August, 2022 and then, it shall be implemented only with the specific approval of the Moore County Board of Education. Professional development for the implementation of these standards shall be delayed until at least June, 2022. Prior to that time, the schools shall utilize the previous standards approved by the North Carolina Board of Education.

Legal Reference: _____

Adopted: _____

MOORE COUNTY BOARD OF EDUCATION
CODE OF COOPERATION

Adopted by the Moore County Board of Education on April 16, 2020

We do publically commit ourselves collectively and individually to the following items:

1. Treat Board members, staff, and the public with respect, modeling the behaviors we want for ourselves and others.
2. Come to any Board meeting prepared to discuss items on the agenda.
3. Share questions and concerns about meeting agendas in advance so staff may provide an informed and timely response.
4. Listen respectfully to each other, not engaging in side conversations.
5. Abide by confidentiality laws of closed sessions.
6. ~~Serve as an ambassador for the system, emphasizing the positive aspects of the district.~~ Endeavor to always act in the best interests of Moore County Schools' students, their parents and guardians and the residents, including, but not limited to, the taxpayers of Moore County.
7. Not give directions to one another or staff.
8. Abide by the Code of Ethics adopted as Board policy.
9. Set clear goals for the Superintendent and define the evaluation process before beginning the process.

Board members who feel their colleagues have violated any portion of this agreement commit themselves to talking one-on-one with the member in question. If they cannot reach consensus on resolving the matter, the issue is to be brought before the entire Board.

MOORE COUNTY BOARD OF EDUCATION
BOARD OPERATING PROCEDURES

Adopted by the Moore County Board of Education on April 16, 2020

**School Board Operating Procedures are not intended to usurp or supplant Board Policy.*

Board Meetings	Policy	Board Procedures
1. Who develops the Board meeting agenda?	1321	Chair and Vice Chair in consultation with the Superintendent and Board Clerk.
2. How do I get something on the agenda?	1321	Board members make request to Chair and Superintendent.
3. When will I receive my Board packet?	1318.2	Meeting agendas and packets are posted on the district web site for Board members and the public on the Friday prior to Monday work sessions and regular meetings. In the event of rare called work sessions or special called meetings on any other day of the week, packets are posted on the school district web site at least 24 hours in advance.
4. If I have a question that will help me understand the Board packet, should I email the question to the Superintendent and all Board members? Should I repeat my question at the meeting for the public to hear?	1319	Email questions directly to the Senior Staff member responsible for the item and copy your email to the Superintendent.
5. If I hear negative feedback in the community regarding an agenda item on the upcoming Board meeting, should I inform the Superintendent? Full Board?	1319	Inform the Superintendent, who will inform the Board Chair and Board as needed.
6. How do I get an item pulled from the agenda?	1321	Consult with the Chair and Superintendent in advance of the meeting or work session or make a motion at the Board meeting or work session and vote.

7. How are items pulled from the consent agenda?	1321	Any Board member or Superintendent may request removal of an item from the consent agenda. Pending action items are reviewed and placed by the Board on the regular monthly meeting agenda as Board Action or Consent items during the preceding work session.
8. What is the public's access to the agenda?	1318	Publicized 48 hours prior to the meeting. The agenda is on the district website and distributed to the press.
9. What are the procedures for public comment? May I ask questions or provide answers?	1326	Individuals may sign up to speak up to 5 minutes prior to the meeting. Individuals can speak for up to 3 minutes. The Board Chair will thank the speaker, but discussion will be discouraged.
10. How should a board member handle it if too many requests are being made to the Superintendent and staff asking them to compile various types of information?	1210	Board members and/or the Superintendent express their concerns to the Chair.
11. What are the confidentiality guidelines for closed sessions?	1314	All matters discussed in closed session should be kept confidential.
12. What if a Board member has a concern about the appropriateness of a topic in a closed session?	1314	Any Board member may express concern. The Board attorney is present in closed sessions so any concerns can be addressed immediately.
13. What is our practice regarding the nomination and election of the Board Chair and Vice Chair?	1200	The Board annually selects the Chair and Vice Chair. Individuals are nominated and the selection is made by voting.

14. Do we currently have any Standing Committees? If so, will I receive an assignment?	1510	The District has 2 standing Board committees (Appeal and Policy), and additional liaisons. The Board Chair, in consultation with the members, determine all Board liaisons and the membership of each committee and including committee chair.
15. Do we have any Ad Hoc Committees?	1210	Ad Hoc Committees can be formed at any time by the Chair in consultation with the Superintendent.

Communication	Policy	Board Procedures
16. Who answers questions that come to the full Board?	1210	The Chair answers questions that come to the full Board.
17. What are guidelines regarding emails? Which are public information? Which ones must we save?	1319	All emails related to Board business are a matter of public record. If Board members receive emails related to Board business on personal email accounts, forward them to your MCS email account. Board members do not need to save emails on the MCS email account, as these are archived.
18. Other than contacting the Superintendent, what other staff may I contact? If I do contact a staff member should I inform the full Board?	1319	Email questions directly to the Senior Staff member responsible for the item and copy your email to the Superintendent.
19. Who is allowed to contact the Board attorney? If there is contact with the attorney, will the full Board be informed?	1900	The Chair and the Superintendent contact the Board attorney and, as appropriate, all Board members are informed of the content of the communication.

20. What is the established pattern of regular communication from the Superintendent?	1030	Board members receive a comprehensive update from the Superintendent at the end of each month.
21. How is the Board notified regarding a district-wide emergency, school emergency, student emergency, or staff emergency?	1030	The Board is notified via email from the Superintendent or his designee.
22. If information is sent to one Board member, will all others receive the same information?	1419	Yes.
23. What is our timeline and process for evaluating the Superintendent?	8180	The Superintendent is evaluated each year in June. The district uses the State Board of Education evaluation plan and evaluation instrument.
24. What are the procedures for the Board to develop its goals?	5910	As part of the School Board's ongoing assessment of its Strategic Plan, the Board will bi-annually assess, revise and update its strategic goals. Staff will present assessments of the Strategic Plan's domains and goals during work sessions in the fall of each odd-numbered year. The School Board will approve revisions to the Strategic Plan's domains and goals prior to March 1 of each even-numbered year.
25. Does the Board have a calendar of key events in the district?	3253/4253/5451	The Instructional Technology Department has developed a calendar where Board members can view district-wide events. The Communications Department updates the district-wide events calendar and sends reminders to the schools to make sure their individual calendars are kept up to date.

School Visits	Policy	Board Procedures
26. When are school visits appropriate?	1010	It is both appropriate and important for Board Members to visit schools, and such visits are encouraged. Members should remember that they are there representing the Board (except as described in item 28, or for other personal reasons), and the purpose of school visits is therefore to become acquainted with school programs, personnel, operations, and facilities or to participate in meetings and activities.
27. What actions do I need to take prior to and during a school visit?	1010	Whenever possible, Board Members should work through the principal, the Board Clerk and/or the Superintendent's Office to schedule the visit so as to provide the school principal the courtesy of an advanced notice. Scheduling visits in advance will help avoid potential conflicts with student testing, staff evaluations, or other critical activity necessitating the attention or presence of the school principal. In the event of such conflict, the Board Clerk and/or Superintendent's Office will work with the Board member to schedule the visit for a mutually convenient time. When on campus, Board members should check in at the main office in the same manner as other visitors and should adhere to the normal expectations of the school for visitors on campus (wear a badge, etc.).

28. If I am meeting with the teacher of my child, should I tell the teacher I am on the Board of Education?	1420	It is not necessary to announce membership on the Board when visiting a school or classroom. However, as such visits rarely go unnoticed by school personnel, it may be helpful to clarify that you are there as a parent.
29. What action should I take if I observe an issue at the school that needs attention?	1010	Board members should not give direction or make suggestions to personnel during the visit. Suggestions or observations should be communicated to the Superintendent, who will address with school administration and staff as appropriate.

Community Relations	Policy	Board Procedures
30. Who is the official spokesperson for the district administration with the media?	1700	Communications Director.
31. Who is the official spokesperson for the Board	1700	Board Chair.
32. What should I do if a representative from the media wants to interview me?	1700	It is recommended that Board members not engage in individual interviews. Board members can always defer questions to the Superintendent or Board Chair, or indicate that an issue is still being studied by the full Board as appropriate. However, if a Board member does have an interview outside this recommendation, the Superintendent and Board Chair should be notified as a courtesy.

33. What are the practices regarding participating in blogs, Facebook, Twitter, and other social media?	5452	Though Board members have the same free speech right as any other citizen, it is not recommended that they address Board topics in such forums.
34. What should my response be to inquiries about a closed session?	1314	Explain your legal obligation not to share any confidential information from closed sessions.
35. How should I handle complaints from staff or the community?	1020.3	Report such concerns to the Superintendent.
36. Are there any specific issues regarding my participation in public meeting forums?	1419	The role of an individual Board member at a public forum is to listen.
37. Can I indicate my status as member of the Board of Education in a document, advertisement, or otherwise?	1419	It is okay for members to acknowledge their status as a member of the Board of Education, but should not do so if it involves personal gain.

Revised: _____